

806 KAR 2:070. Preservation of records.

RELATES TO: KRS 304.2-210-304.2-230, 304.13-320, 304.24-290

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This administrative regulation requires the preservation of records of insurers, holding companies, and advisory organizations for a minimum period of five (5) years and in a specified form.

Section 1. In order to enable the commissioner to perform the duties and execute the powers placed upon him by KRS 304.2-210, 304.2-220, 304.2-230, 304.13-320, and 302.24-290 and to enforce compliance therewith, the accounts, records, documents, experience, statistics, rating plans, rating systems, underwriting rules, policy or bond forms, surveys, and inspections mentioned therein shall be preserved in their entirety and kept available and open to the commissioner's inspection, unless specifically excused by the commissioner, for a period of not less than five (5) years following creation of the material or the completion of the purpose for which it was created, whichever shall occur last.

Section 2. Nothing in this administrative regulation is intended to encourage the destruction of or failure to preserve material at any time, particularly in view of the fact that statutory periods of time in which causes of action accrue or may be brought often exceed a five (5) year period.

Section 3. With reference to domestic insurers, the term "principal records" as used in KRS 304.24-290 shall include the material referred to in Section 1 of this administrative regulation, and the material shall not be removed from this state except in compliance with this administrative regulation.

Section 4. Records required by this administrative regulation may be maintained in their original forms, on microfilm, on data processing tapes or cards, or by means of other forms of electronic storage. All records maintained by electronic storage shall be capable of duplication to legible hard copy. (I-2.07; 1 Ky.R. 855; eff. 5-14-75; Am. 19 Ky.R. 258; eff. 9-10-92; TAm eff. 8-9-2007; Crt eff. 2-26-2020; TAm 3-10-2020.)